IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.583 of 2004

Between:

Bh.Srinivas, S/o. Krishna, 42 years, Deputy Executive Engineer,
A.P. State Housing Corporation, Palakonda, Srikakulam District.

...PETITIONER

AND

1. The Government of Andhra Pradesh, rep.by its Principal Secretary, Housing (PH-2) Department, Secretariat, Hyderabad.
2. The Managing Director, A.P.State Housing Corporation Ltd., Hyderabad.
3. Ch.Venkateswarlu, S/o.Bullaiah, 43 years, 405-1-29/3, Kavirajanagar, Khammam, Khammam District.
4. K.Kishore Mithra, S/o.Ramachandra Rao, 49 years, AE, A.P.State Housing Corporation, Guntur District.

(RR3 and 4 are impleaded as per Court order dated 28.07.2004 in W.P.M.P.No.5271 of 2004)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issued impugned order in G.O.Rt.No.243 Housing (RH2) Department, dated 11-8-2003 as illegal and arbitrary and consequently set aside the same.

Counsel for the Petitioner: MR.B.NAGESWARA RAO

Counsel for the Respondent NO.1:GP FOR HOUSING

Counsel for the Respondent No.2: MR.V.CH.NAIDU

Counsel for the Respondents 3 & 4: Mr. C.V.MOHAN REDDY.

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.583 of 2003

ORDER:

Heard both sides.

At the request of both the counsel, the main Writ Petition itself is taken up for disposal.

The petitioner herein filed this Writ Petition *inter alia* seeking a writ of Mandamus declaring the action of the first respondent in issuing the impugned order-cum-show cause notice in G.O.Rt.No.243, Housing (RH-2) Department, dated 11.08.2003 as illegal and arbitrary. Admittedly, the petitioner has not filed any explanation to the said show cause notice.

This Court granted interim suspension of the impugned order on 09.01.2004 in W.P.M.P.No.773 of 2004. However, having regard to the fact that the impugned order is only a show cause notice, no such Writ can be entertained under Article 227 of the Constitution of India.

Accordingly, the Writ Petition is dismissed with a liberty to the petitioner to file

explanation to the show cause notice and the respondents shall consider the explanation and pass necessary orders in accordance with law. It is needless to mention that till the final decision is taken, the proposed action need not be given effect to.

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(B.PRAKASH RAO, J)

8th December 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Principal Secretary, Government of Andhra Pradesh, Housing (PH-2) Department, Secretariat, Hyderabad.
2. The Managing Director, A.P.State Housing Corporation Ltd., Hyderabad.
3. Two CCs to G.P. for Housing, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.